

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 23rd day of August, Two thousand and six.

PRESENT:

HON. DENNIS JACOBS,
HON. ROBERT D. SACK,
HON. PETER W. HALL,
Circuit Judges.

Yong Fei Jiang,

Petitioner,

-v.-

No. 05-1083-ag
NAC

Alberto R. Gonzales, Attorney General,
Respondent.

FOR PETITIONER: Troy Nader Moslemi, Miami, Florida.

FOR RESPONDENT: Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, George Jackson, III, Edmond Chang, Craig A. Oswald, Assistant United States Attorneys, Chicago, Illinois.

UPON DUE CONSIDERATION of this petition for review of the Board of Immigration Appeals (“BIA”) decision, it is hereby ORDERED, ADJUDGED, AND DECREED that the petition for review is DENIED.

1 Petitioner Yong Fei Jiang, a native and citizen of China, seeks review of a January 31,
2 2005 order of the BIA affirming the November 6, 2003 decision of Immigration Judge (“IJ”) *Annette S. Elstein*
3 denying petitioner’s application for asylum, withholding of removal, and relief
4 under the Convention Against Torture (“CAT”). *In re Yong Fei Jiang*, No. A79 683 148 (BIA
5 Jan. 31, 2005), *aff’g* No. A79 683 148 (Immig. Ct. N.Y. City Nov. 6, 2003). We assume the
6 parties’ familiarity with the underlying facts and procedural history of the case.

7 When the BIA summarily affirms the decision of the IJ without issuing an opinion, *see* 8
8 C.F.R. § 1003.1(e)(4), this Court reviews the IJ’s decision as the final agency determination. *See,*
9 *e.g., Twum v. INS*, 411 F.3d 54, 58 (2d Cir. 2005); *Yu Sheng Zhang v. U.S. Dep’t of Justice*, 362
10 F.3d 155, 158 (2d Cir. 2004). This Court reviews the agency’s factual findings, including
11 adverse credibility determinations, under the substantial evidence standard, treating them as
12 “conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.”
13 8 U.S.C. § 1252(b)(4)(B); *see, e.g., Zhou Yun Zhang v. INS*, 386 F.3d 66, 73 & n.7 (2d Cir.
14 2004). However, we will vacate and remand for new findings if the agency’s reasoning or its
15 fact-finding process was sufficiently flawed. *Cao He Lin v. U.S. Dep’t of Justice*, 428 F.3d 391,
16 406 (2d Cir. 2005); *Tian-Yong Chen v. INS*, 359 F.3d 121, 129 (2d Cir. 2004); *see also Xiao Ji*
17 *Chen v. U.S. Dep’t of Justice*, 434 F.3d 144, 158 (2d Cir. 2006) (agreeing with this principle, but
18 avoiding remand, in spite of deficiencies in an adverse credibility determination, because it could
19 be confidently predicted that the IJ would adhere to the decision were the case remanded). The
20 Court reviews *de novo* questions of law and the application of law to undisputed fact. *See, e.g.,*
21 *Secaida-Rosales v. INS*, 331 F.3d 297, 307 (2d Cir. 2003).

22 The IJ reasonably determined that Jiang’s testimony regarding the first movement of

1 Falun Gong was evasive. In addition, the IJ reasonably noted that Jiang failed to provide a
2 coherent answer as to how Falun Gong has improved his health. The IJ reasonably found that
3 Jiang was inconsistent as to when he was arrested and when he was discovered by the village
4 official. Jiang also failed to provide a reasonable explanation as to how his mother was able to
5 obtain his birth certificate if the police were searching for him. And the IJ was reasonable in
6 finding that Jiang failed to provide sufficient corroboration to rehabilitate his questionable
7 testimony. Jiang argues that the IJ used the wrong standard in assessing Jiang's corroboration; he
8 argues that the IJ erred because she did not identify the missing pieces of evidence or explain
9 how they were reasonably available. Jiang fails to acknowledge, however, that the IJ need not
10 comply with these two requirements if the alien is otherwise not credible. *See Xiao Ji Chen*, 434
11 F.3d at 164 (explaining *Diallo v. INS*, 232 F.3d 279, 287 (2d Cir. 2000) and *Jin Shui Qiu v.*
12 *Ashcroft*, 329 F.3d 140, 153 (2d Cir. 2003)).

13 The IJ's overall adverse credibility determination is supported by substantial evidence.

14 Jiang does not provide any specific arguments regarding the denial of his CAT claim, but
15 he does state that the IJ erred in denying his CAT claim in the conclusion of his brief. This Court
16 has explained that when a petitioner "devotes only a single conclusory sentence to an argument,"
17 this is insufficient to raise an issue on appeal. *See Yueqing Zhang v. Gonzales*, 426 F.3d 540,
18 545 n.7 (2d Cir. 2005). Accordingly, Jiang has failed to raise any arguments challenging his
19 CAT claim, and it is waived.

20 Accordingly, the petition for review is DENIED. Having completed our review, any stay
21 of removal that the Court previously granted in this petition is VACATED, and any pending
22 motion for a stay of removal in this petition is DENIED as moot. Any pending request for oral

1 argument in this petition is DENIED in accordance with Federal Rule of Appellate Procedure
2 34(a)(2), and Second Circuit Local Rule 34(d)(1).

3
4 FOR THE COURT:
5 Roseann B. MacKechnie, Clerk
6

By: _____